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PATENT TRADEMARK OFFICE

Patent
Case No.: 57135US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: KRECH, JOHN E.
Application No.: 09/990601 Group Art Unit: 1772
Filed: *RCE Filed* November 21, 2001 Examiner: Walter Aughenbaugh
Title: *11/20/03* PLASTIC SHIPPING AND STORAGE CONTAINERS AND COMPOSITION AND
METHOD THEREFORE

SUMMARY OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION	
To Fax No.: 703-872-9306	
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:	
APR 16 2004	<i>Lydia M. Cahill</i>
Date	Signed by: Lydia M. Cahill

Applicant's attorney, Lorraine Sherman, acknowledges with thanks the telephone interview kindly accorded her on March 25, 2004 by Examiner Aughenbaugh.

- A. A proposed Amendment and Response was submitted by fax prior to the telephone interview so that the Examiner could review the proposed amended claims and arguments relating to all objections and rejections raised in the Office Action mailed January 22, 2004.
- B. All of the claims were discussed in a general way (it was noted that if the primary references were overcome, all rejections based on prior art would most likely also be overcome), although most of the interview related to the patentability of independent claim 30. The amendments to the dependency of claims 48, 53 and 56 were reviewed and they appeared to be acceptable to the Examiner.

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- C. Nagano et al. was discussed and the Examiner seemed in agreement that amendments to claim 30 had overcome the reference. The Examiner did however want to further review the comparative example of Nagano et al. Applicant's attorney pointed out the comparative example of Nagano et al. contains no thermosetting resin.
- D. Oishi et al. was discussed. Applicant's attorney pointed out that this reference relates to three different inventions and the Office Action has combined the utility of Invention 3 with the alleged teachings of the composition of Invention 2. It is Applicant's position that the broadly stated "blends" (col. 29, lines 3-6 and 13-14) are defined in col. 35, lines 6-11 and 34-46, all of which are thermoplastic blends. No combination of thermoplastic and thermosetting resins is defined in the very lengthy specification or in any of the 125 examples. Invention 3 relates to thermosetting resins that can be a container. It was pointed out no plastic pallets are suggested or disclosed in the reference.
- E. As to principal arguments: The thrust of the argument for overcoming the rejections of independent claim 30 is based on lack of teaching or suggestion in the art cited to a polyolefin/thermoset plastic pallet wherein all resins are free of halogen and containing only non-halogenated flame retardant(s).
- F. General indication of other pertinent matters discussed: Applicant's attorney also noted reliance on case law that says it is improper to selectively choose elements or concepts from various references, in this case 11 references, without considering these references as a whole, and by using hindsight and the claims as a guide, so as to arrive at the claimed invention.

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It was submitted that Applicant had overcome all objections and rejections.

Respectfully submitted,

Date April 15, 2004

By: Lucy C. Weiss
Lucy C. Weiss, Reg. No.: 32,834
For Lorraine R. Sherman, Reg. No.: 30,105
Telephone No.: 858-675-9031 or
651-733-1189

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833